

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

The Property Management Connection, LLC,  
*et al.*,

*Plaintiffs,*

v.

Consumer Financial Protection Bureau, *et al.*,

*Defendants.*

Civil Action. No. 3:21-cv-00359

Judge Eli J. Richardson

Magistrate Judge Alistair Newbern

**DEFENDANTS CFPB AND ACTING DIRECTOR UEJIO’S REPLY IN SUPPORT OF  
MOTION TO ENLARGE TIME TO RESPOND TO COMPLAINT**

Plaintiffs in this case seek to challenge the disclosure requirement in a rule issued by the Consumer Financial Protection Bureau. That requirement applies only where the recent moratorium on certain residential evictions issued by the Centers of Disease Control and Prevention (CDC) is in effect. *See* 12 C.F.R. § 1006.9(c). The validity of that CDC order has been disputed in other litigation, including a case that recently reached the Supreme Court. *See Alabama Ass’n of Realtors v. Dep’t of Health & Hum. Servs.*, No. 21A23, 2021 WL 3783142 (U.S. Aug. 26, 2021). Significant developments in that case were continuing to unfold as recently as last Friday, September 3. *See Order, Alabama Ass’n of Realtors*, No. 21-5093 (D.C. Cir. Sept. 3, 2021) (granting government’s motion to voluntarily dismiss its appeal, thereby leaving in place a district court judgment vacating the CDC eviction moratorium nationwide).

The Bureau’s motion for an extension of time to respond to Plaintiffs’ First Amended Complaint noted that the question of whether the CDC moratorium would remain in effect, including as a result of the *Alabama Association of Realtors* litigation, would have a direct

impact on Plaintiffs' challenge to the disclosure requirements in the Bureau's Rule and the parties' arguments here whether this case should proceed. *See* ECF No. 43. For example, because the CDC eviction moratorium is not in effect anywhere, it is clear that Plaintiffs' challenge to the validity of the Bureau Rule's disclosure requirement—which, again, applies only when and where the eviction moratorium also applies—is moot. In opposing the Bureau's request for more time, Plaintiffs essentially concede the relevance of these recent developments to this case by citing them repeatedly, but nonetheless assert that no extension is warranted. *See* ECF No. 46.

The Bureau originally requested an extension of time until October 18, 2021—the date two weeks after the CDC's moratorium was set to expire. *See* ECF No. 43. Due to the pace of events in *Alabama Association of Realtors*, events that have now clarified that the eviction moratorium is not in effect, the Bureau believes that a more limited extension of time, until September 24, 2021, would provide it with sufficient time to respond to Plaintiffs' First Amended Complaint.

The Bureau respectfully submits that there is good cause to grant the extension sought. Such an extension would allow the parties to address recent developments in *Alabama Association of Realtors* and provide the Court with a full and adequate discussion of the relevant legal issues. Plaintiffs would not be harmed by this brief extension of time, and they do not argue otherwise in their opposition. *See* ECF No. 46.

For these reasons, the Bureau respectfully requests that the Court grant a short extension until September 24, 2021 for Defendants to respond to Plaintiffs' First Amended Complaint

Dated: September 8, 2021

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I hereby certify that on September 8, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following, if registered, by operation of the Court's electronic filing system. If not registered, notice was sent by First Class, United States mail, to:

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